UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/508,883	09/23/2004	Hendra Suwanda	CA920020005US1	8103

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EXAMINER
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ART UNIT	PAPER NUMBER
3625	

NOTIFICATION DATE	DELIVERY MODE
01/26/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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RSWIPLAW@us.ibm.com

	Application No.	Applicant(s)
Office Action Summary	10/508,883	SUWANDA, HENDRA
	Examiner	Art Unit
	JAMES ZURITA	3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 October 2008*.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,13 and 14* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1,13 and 14* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

On October 7, 2008, applicant cancelled claims 2-1 amended claim 1 and added

claims 13-14. Claims 1, 13-14 are pending and will be examined.

Response to Arguments

Applicant's arguments filed 10/07/2008 have been fully considered but they are

not persuasive.

Rejections directed at cancelled claims are withdrawn as moot in view of

cancellation of those claims.

Applicant argues,

> FrontPage indicates that its particular system, including techniques for navigation
> and presenting same, was "a direct result of customer feedback --- users wanted to be
> able to produce conservative and professional-looking websites." (FrontPage, page 2).
> However, Applicants direct their claimed features "to present a methodology and notation
> for describing and building a site architecture for an e-commerce Web site." (paragraph
> [0024]). The Office Action points to FrontPage as including "a discussion of navigation
> view and hierarchy that represents the relationships between child and base web pages
> in as site on the Internet." (page 5) Specifically FrontPage states: [quotation omitted]

In response, fact that applicant has recognized another advantage which would

flow naturally from following the suggestion of the prior art cannot be the basis for

patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*,

227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

The Examiner notes that Applicant fails to provide any definition that would

facilitate interpretation of his invention. The closest text that might be considered

definitions appear in paragraphs 0170-0174:

[0170] Navigation Links

[0171] Navigation plays an important part of a site design. It makes the site dynamic and responsive to visitor interactions. Components may be connected by navigational links via their entry and exit ports. There are three kinds of links that can be created within a component (these are illustrated in FIG. 5):

[0172] 1. Entry links: These are links connecting entry ports of a component to the entry ports of the subcomponents. Multiple entry ports of a component may be connected to a single entry port of the subcomponent. Entry link 56 connects the entry port, 50 of component, 60 to child component 61 by its entry port 52a.

[0173] 2. Exit links: These are links connecting exit ports of the subcomponents to the exit ports of the component. Multiple exit ports of the subcomponents may be connected to a single exit port of the component. Exit link 58 connects contained component 62 by its exit port 54b to the exit port, 55 of containing component 60.

[0174] 3. Inter-component links: This link connects an exit port of a subcomponent to an entry port of a sibling subcomponent. Intercomponent link 57 connects exit port 54a of subcomponent 61 to entry port 52b of sibling component 62.

Applicant also states that an exit port represents one or more HTML links leading

into the same component, yet provides no equivalent for entry port:

[0168] A component may also lead to another component by navigation. For example, an HTML link on a page may lead to another component in the same site. The invention herein provides exit ports for components. An exit port represents the starting point of a navigation to another component. Note that an exit port is not the same as an HTML link (with a URL). *An exit port represents one or more HTML links leading into the same component.* All URLs in those links, which are represented by an exit port, should have the same URL, differing perhaps in the values of name value pairs for those URLs. A port associated with a component can be thought of as a subroutine or interface definition. This definition would include the name of the port and the definitions of each argument of that port. This port can be referred by some HTML link by specifying the port name and its arguments by a URL and the corresponding name-value pairs as the actual arguments. [emphasis added]

[0063] Preferably the present invention provides for a web site having an entry port to a module comprising a URL address, and an exit port comprises an instruction to call a URL address.

[0087] Preferably the present invention provides for an article for establishing a web site wherein an entry port to a module comprises a URL address, and an exit port comprises an instruction to call a URL address.

[0113] Preferably the present invention provides for an article for establishing a website wherein an entry port to a module comprises a URL address, and an exit port comprises an instruction to call a URL address.

appellant has provided no explicit definition for the above terms, the Examiner

relies on the term's ordinary meaning and broadest reasonable interpretation. *E-Pass*

Technologies, Inc. v. 3Com Corporation, 343 F.3d 1364, 1368, 67 USPQ2d 1947, 1949

(Fed. Cir. 2003). The Examiner interprets the term entry port as a hyperlink into a

module and the term exit port as one or more calls to a hyperlink.

> ...Where an explicit definition is provided by the applicant for a term, that definition will
> control interpretation of the term as it is used in the claim. Toro Co. v. White
> Consolidated Industries Inc., 199 F.3d 1295, 1301, 53 USPQ2d 1065, 1069 (Fed. Cir.
> 1999) (meaning of words used in a claim is not construed in a "lexicographic vacuum,
> but in the context of the specification and drawings."). Any special meaning assigned to
> a term "must be sufficiently clear in the specification that any departure from common
> usage would be so understood by a person of experience in the field of the invention."
> Multiform Desiccants Inc. v. Medzam Ltd., 133 F.3d 1473, 1477, 45 USPQ2d 1429,
> 1432 (Fed. Cir. 1998). See also MPEP § 2111.01.

During prosecution, claims are given their broadest reasonable interpretation:

> USPTO personnel are to give claims their broadest reasonable interpretation in light of the
> supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28
> (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim
> should not be read into the claim. E-Pass Techs., Inc. v. 3Com Corp., 343 F.3d 1364,
> 1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003) (claims must be interpreted "in view of the
> specification" without importing limitations from the specification into the claims
> unnecessarily). In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550- 551 (CCPA
> 1969). See also In re Zletz, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir.
> 1989) ("During patent examination the pending claims must be interpreted as broadly as
> their terms reasonably allow.... The reason is simply that during patent prosecution when
> claims can be amended, ambiguities should be recognized, scope and breadth of
> language explored, and clarification imposed.... An essential purpose of patent
> examination is to fashion claims that are precise, clear, correct, and unambiguous. MPEP
> 2106.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

Claims 1, 13 and 14, as interpreted, are rejected under 35 U.S.C. 103(a) as

being unpatentable over, Using Themes and Shared Borders in Microsoft FrontPage

2000, FrontPage, published June 1999, 13 pages.

As per claim 1, FrontPage discloses method(s) of establishing in a data

processing system capable of being linked to the internet

a hierarchically structured store web site (see, for example, Navigation view,

page 5) for use on the Internet comprising:

establishing in the data processing system:

a base store site module (page 4, top level of hierarchy); and

at least one child module (any of modules in the level just below the top

level) of the base store site module;

wherein the at least one child module has at least one entry port (i.e., the child

modules are called via hyperlink by the top module and from links of lower-level child

modules), and the base store site module has at least one entry port (from lower-level

modules) and at least one exit port for communication with the Internet (the top level is

called from the Internet via a URL), at least one entry port of the child module being

linked to at least one entry port of the base module (they are activated by

BACK/FORWARD buttons);

wherein the at least one of child module has a plurality of exit ports (see center

module in level two, which can link to another 4 modules at a lower level), and

at least some of the plurality of exit ports of the child module are linked to one

exit port of the base store site module (they are activated by BACK/FORWARD

buttons);

wherein the at least one child module comprises at least one among a store front module (top level), a shopping module (buy now), a customer service module, an information module, and an auction module: and

wherein the at least one exit port of the base store site module is available for linking with an exit port of the at least one child module (see link to middle module in second level).

As per claim 13, FrontPage discloses that the at least one of the plurality of exit ports of the at least one child module is linked to at least one entry port of another child module (see middle module, second level and links to each module of third level).

As per claim 14, FrontPage discloses that the at least one entry, port and at least one exit port of the base store site module is linked to at least one entry port and at least one exit port of the at least one child module. See links from middle module, second level, to the parent module.

As per claims 1, 13 and 14, FrontPage does not use the term entry port, exit port.

However, these differences are only found in the nonfunctional descriptive material and do not alter the functions of inputting, receiving, searching, matching, transmitting and outputting data. The descriptive materials do not alter how FrontPage functions. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability. See In re Gulack, 703 F.2nd 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Chris McCollum, Extended Sites in WebSphere Commerce v5.6.1, downloaded

from www.ibm.com/redboods, copyright august 2006 for version 5, release 6,

modification 1 of WebSphere Commerce Business Edition (product number GV09-

7903-01), selected portions, 12 pages.

Priestley et al., DITA: An XML-based technical documentation authoring and

publishing architecture. Washington, August 2001, vol. 48, Iss. 3, page 352,

downloaded from ProQuest Direct on the Internet on 18 January 2009, 25 pages.

Tai et al., Model-driven development of large-scale Web applications, IBM J.

RES &DEV. Vol. 48, No. 5/6 September/November 2004. Downloaded from the

Internet on 18 January 2009, 13 pages.

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to JAMES ZURITA whose telephone number is (571)272-

6766. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jeffrey A. Smith can be reached on (571)272-6763. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James Zurita/
Primary Examiner
Art Unit 3625
14 January 2009